

DEPARTMENT OF FOR-HIRE VEHICLES

NOTICE OF FINAL RULEMAKING

The Acting Director of the Department of For-Hire Vehicles (“Department” or “DFHV”)¹, pursuant to the authority set forth in Sections 8(c) (1), (2), (3), (7), (10), (12), (16), and (19), 14, 20f, and 20j of the District of Columbia Taxicab Commission Establishment Act of 1985 (“Establishment Act”), effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code §§ 50-301.07(c) (1), (2), (3), (7), (10), (12), (16), and (19), 50-301.13, 50-301.25, and 50-301.29 (2014 Repl. & 2015 Supp.)), hereby gives notice of the adoption of amendments to Chapter 10 (Public Vehicles for Hire) and Chapter 99 (Definitions) of Title 31 (Taxicabs and Public Vehicles for Hire) of the District of Columbia Municipal Regulations (DCMR).

This final rulemaking adds new §§ 1010.17 and 1010.18, which were inadvertently removed by a final rulemaking adopted by the Commission on January 20, 2016. These amendments to Chapter 10 allow taxicab companies, required by the Establishment Act to have a certain percentage of their fleets wheelchair accessible by the end of calendar years 2014, 2016, and 2018, to satisfy these requirements by obtaining new DFHV taxicab vehicle licenses from the Department on the condition that such licenses be used only for new wheelchair accessible vehicles actively participating in the Transport DC program (formerly CAPS-DC) for a period of not less than three (3) years. In addition, a necessary definition, not included in the proposed rulemaking, has been added to clarify that the Department of For-Hire Vehicles, by statutory authority, is the successor agency to the D. C. Taxicab Commission and the Office of Taxicabs.

An emergency and proposed rulemaking was adopted by the Commission on April 8, 2015. The emergency rulemaking took effect immediately and remained in effect for one hundred and twenty (120) days (expiring August 6, 2015). The emergency and proposed rulemaking adopted by the Commission was published in the *D.C. Register* on June 5, 2015 at 62 DCR 008127. The Commission did not receive any comments during the comment period, which expired on July 5, 2015; however, a substantive change was made by the Commission which necessitated a second proposed rulemaking.

A second emergency and proposed rulemaking was adopted by the Commission on August 12, 2015 and published in the *D.C. Register* on October 30, 2015 at 62 DCR 014127. The second emergency rulemaking took effect immediately and remained in effect for one hundred and twenty (120) days (expiring December 10, 2015). The Commission did not receive any comments during the comment period, which expired on November 29, 2015. Any changes made in this final rulemaking from the second proposed rulemaking were to correct grammar and typographic errors, clarify the Department’s intent, and lessen the burdens on affected stakeholders. No substantial changes have been made from the proposed rules.

The Commission adopted final rulemaking on December 9, 2015. The final rulemaking was published on February 26, 2016 at 63 DCR 2247. Sections 1010.17 and 1010.18 of the final

¹ The District of Columbia Taxicab Commission was renamed and re-structured as the Department of For-Hire Vehicles by the Transportation Reorganization Act of 2016 (D.C. Law 21-0124) effective June 22, 2016.

rulemaking were inadvertently removed by a subsequent final rulemaking adopted by the Commission on January 20, 2016 and published in the *D.C. Register* on March 11, 2016 at 63 DCR 3749; this notice corrects the error.

These rules were adopted as final on 2016 and will become effective upon publication of this notice in the *D.C. Register*.

Chapter 10, PUBLIC VEHICLES FOR HIRE, of Title 31 DCMR, TAXICABS AND PUBLIC VEHICLES FOR HIRE, is amended as follows:

Section 1010, ISSUANCE OF DCTC VEHICLE LICENSES, is amended as follows:

New Subsections 1010.17 and 1010.18 are added to read as follows:

- 1010.17 A new DFHV taxicab vehicle license (non-transferable) may be issued to a taxicab company seeking to comply with the wheelchair accessible vehicle phase-in requirements of § 501.10 (other than a taxicab company approved to participate in Transport DC), provided that:
- (a) The license is used exclusively for a new wheelchair accessible, best fuel vehicle purchased and immediately placed into active service upon the Department's approval or within sixty (60) days of the Department's approval of a company's modification of its compliance plan submitted under § 501.13 if applicable;
 - (b) The company executes a written agreement to enter into a dispatch agreement with a taxicab company participating in Transport DC, for a minimum period of three (3) years, during which the vehicle shall be in active service and available for dispatch in accordance with all of the applicable operating requirements of § 1806, a copy of which shall be filed with the Department prior to placing the vehicle into service; and
 - (c) The DFHV taxicab vehicle license shall be subject to suspension or revocation if, at any time and for any reason, the vehicle or the company fails to comply with the provisions of subparagraphs (a) or (b) of this subsection.
- 1010.18 Each company and each operator of a vehicle participating in Transport DC pursuant to a dispatch agreement under §§ 1010.17 shall be subject to the prohibitions and penalties of §§ 1807 and 1808.

Chapter 99, DEFINITIONS, is amended as follows:

Section 9901, DEFINITIONS, is amended as follows:

Subsection 9901.1 is amended to add the following definition:

“Department of For-Hire Vehicles “Department” or “DFHV” - the Department established under § 5 of the District of Columbia Taxicab Commission Establishment Act of 1985, effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code § 50-301.04 (2014 Repl. & 2015 Supp.)) and which replaced the D.C. Taxicab Commission and the Office of Taxicabs with the enactment of the Transportation Reorganization Amendment Act of 2016, effective June 22, 2016 (D.C. Law 21-0124).